

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 4630/2006

Vishnu Prasad

Vs.

The Manager, M/s Liberty Associates Pvt. Ltd. & Anr.

Date of Order : 28/05/2007

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Anil Kaviraj for the petitioner.

Mr. Manoj Joshi for the respondent.

BY THE COURT:-

By the instant writ petition, the petitioner workman has challenged the award Annex.1 dated 24.4.2006 passed by respondent No.2, Industrial Tribunal Cum Labour Court, Udaipur (for short 'the labour court' hereinafter) whereby the reference made by the Appropriate Government was answered against the petitioner.

The Appropriate Government vide notification dated 08.9.2003 referred the industrial dispute under Section 10 (1) of the Industrial Disputes Act, 1947 to the labour court to the effect that as to whether the termination of the services of the petitioner workman w.e.f. 23.11.2001 was valid or legal. Before the labour court, the petitioner himself stated that he worked with the

employer w.e.f. 1.2.1997 to 30.11.2001. Thus, it is an admitted case of the petitioner that he was allowed to work up to 30.11.2001. The labour court was bound to confine itself to the terms of the reference and could not have travelled beyond the terms of the reference and therefore, in my view, the labour court was justified in answering the reference against the petitioner confining its decision to the terms of the reference as the labour court was only required to adjudicate as to whether the services terminated w.e.f. 23.11.2001 were legal and valid. The conclusion arrived at by the labour court cannot be said to be erroneous. If the petitioner feels that his services were not terminated w.e.f. 23.11.2001 but on some subsequent date, he may move the Appropriate Government for making a fresh reference.

In this view of the matter, I do not find any merit in the writ petition. The writ petition is, therefore, dismissed. However, it will be open for the petitioner to approach the Appropriate Government for making reference to the Industrial Tribunal cum Labour Court from the date when the petitioner feels that his services have been retrenched or terminated. No order as to costs.

(H.R.PANWAR),J.

rp